WP no. 264(ss)05

Hon'ble M.M. Ghildiyal, J.

Heard Sri S.S. Chaudhary, learned counsel for the petitioner, learned Standing Counsel for the respondent nos. 1 to 3 and Sri S.K. Posti, learned counsel for the respondent no. 4.

By means of this writ petition, the petitioner has prayed to issue a writ in the nature of certiorari to quash the transfer order dated 02.02.2005 passed by the In-charge Chief Engineer, Level-I, P.W.D. Uttaranchal, Dehradun.

Vide order dated 02.02.2005 the petitioner was transferred from Pauri to Dehradun. On 28th March 2005 this Court has stayed operation of the transfer order keeping in view that the children of the petitioner are studying at Pauri and on being transferred in the mid session the study of the petitioner's children will affect adversely.

Learned counsel for the respondent no. 4 has filed counter affidavit in which he has stated that children of the petitioner are not studying anywhere at Pauri. Counsel for the petitioner has also not denied this fact and has submitted that the daughter of the petitioner is studying at Meerut and his son is studying at Dehradun.

By the impugned order, the petitioner has been transferred from Pauri to Dehradun, hence staying operation of the impugned order on the ground that study of petitioner's children shall be disturbed because of mid term transfer is not, at all, justified. The petitioner could not show any other ground on which the transfer order can be stayed. The petition lacks merit and, as such, is dismissed. The stay order dated 28th March 2005 is hereby vacated.

(M.M. Ghildiyal, J.)

19.04.2005:
NCM: